

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

v.	:	CIVIL ACTION
	:	
	:	
	:	
	:	NO.

REED, S. J.

STANDING ORDER

SPECIAL MANAGEMENT TRACK CASE MANAGEMENT POLICY

AND NOW, this day of , , it is hereby **ORDERED** that:

1. This case will be managed pursuant to Federal Rule of Civil Procedure 16 and Chapters III, V, VII, VIII, and IX of the Civil Justice Expense and Delay Reduction Plan of this District (effective 12/31/91) ("the Plan"). A copy of the chapter excerpts of the Plan is attached hereto. Counsel shall familiarize themselves with the entire Plan. This case is exempt from the self-executing discovery disclosure provisions of Chapter IV of the Plan as permitted by Chapter IV § 4:01(a)(1). Discovery will be managed by a separate order of this Court consistent with the Federal Rules of Civil Procedure (See Paragraph 5 below for anticipated interim procedure).

2. **The initial pretrial conference** will be held when defense counsel has entered an appearance and usually within thirty (30) to sixty (60) days after the filing of the complaint. In anticipation of receipt of the order scheduling the initial pretrial conference, all parties in this case and cases likely to be the subject of pretrial consolidation, shall familiarize themselves, not only with the attached excerpted chapters of the Plan but also with Fed. R. Civ. P. 16, as well as the current edition of the Manual for Complex Litigation, Third ("the Manual"), the provisions of

which generally will guide the management of this case. In particular, it is expected that counsel shall anticipate the agenda items for the initial pretrial conference set forth in Chapter III, Section 3.01 and Chapter VII, Section 7:01 of the Plan and Part II, Section 21.211 et. seq. of the Manual and Part IV, Section 40.1 and the form in Section 41.2 of the Manual, in order to facilitate preparation for the conference.

3. **Time and expense records.** All counsel who expect to make a claim therefore, are expected to make and maintain daily entries of time and expenses incurred in connection with this litigation. Subject to discussion at the initial pretrial conference, it is expected that the Court will enter an order requiring that these records be made and maintained and filed with the Court periodically during the litigation. See: Form 41.32, Manual for Complex Litigation, Third.

4. **Pleadings.** The Court expects to approve stipulations granting defendant(s) a reasonable extension to a date certain within which to answer or otherwise move or to file counterclaims, if the time to do so will expire before the date expected or set for the initial pretrial conference. It is anticipated that at the initial pretrial conference, a time will be set for the filing of all subsequent pleadings and any necessary joinder of third parties.

5. **Discovery** may proceed informally but it is expected that the Court will stay all formal discovery in its order scheduling the initial pretrial conference, with formal discovery to be scheduled in the First Case Management Order resulting from the initial conference. (See Chapter II, Section 21.421 of the Manual and Chapter VII, Section 7:01 of the Plan for development of a joint discovery plan.)

6. **Communications with the Court** and its staff will be done in accordance with the Notice to Counsel which has been served or will be served concurrently with the service of this policy statement. In addition, counsel will be expected to confer among themselves with respect to any and all disputes and attempt to resolve them before approaching the Court for resolution.

7. **Duties of Counsel.** Prior to the initial conference, it is expected that counsel will see that all appearances of counsel are on the docket and that the necessary consultation among the parties has taken place on all matters expected to be on the agenda for the initial pretrial conference, including the organization of counsel in multi-party or class actions. It is expected that a joint proposal for a case management order be prepared and presented at the initial pretrial conference, and that counsel of record attend the initial conference with the authority to agree and resolve all issues planned for the agenda of that conference.

8. To the extent that any provision of this policy statement conflicts with a specific case management or other Court order entered in this litigation, the case-specific order shall control.

9. Unexcused violations of scheduling or case management orders are subject to sanctions under Fed. R. Civ. P. 16(f), upon motion or the initiative of the Court.

LOWELL A. REED, JR., S.J.

(Form: 3/8/96)